

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7613 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SOMABHAI G DHARAJIYA

Versus

COMMANDANT (SENAPATI)

Appearance:

MR PK PANCHOLI for Petitioner

MR DA BAMBHANIA for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/12/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Under the order dated 22nd September, 1997, the petitioner was ordered to be transferred from M.T. Section of Police Department as Helper to Police Force as a Constable.

3. The apprehension of the petitioner is that by

virtue of this transfer his pay scale is likely to be reduced. It is stated that while holding the post in M.T. Section he was given the pay scale of Rs.975-1660 and accordingly his pay has been fixed in the said pay scale but by virtue of this transfer his pay is likely to be fixed in the pay scale of Rs.825-1200 and consequent fixing of his pay in the lower pay scale will result in lower downing of the existing emoluments which the petitioner is getting and as such this transfer is bad.

4. Shri D.A. Bhambhanian, learned counsel for the respondents make a statement before this Court that only on the ground of this transfer neither the petitioner's existing pay scale nor consequently his pay and emoluments in the said pay scale will be reduced to the pay scale of Rs.825-1200. However, the learned counsel for the respondents contended that the petitioner was given erroneously the pay scale of Rs.975-1660 and consequently, erroneously his pay and emoluments have been fixed in the said pay scale but before rectifying their error, the respondents will take all the care to follow the principles of natural justice.

5. In view of the statements aforesaid made by the learned counsel for the respondents, nothing now survives in this special civil application and the same is dismissed. Rule discharged. No order as to costs.

zgs/-